



New Mexico  
Judiciary

# UNIFIED BUDGET

Fiscal Year 2017

New Mexico Supreme Court  
Chief Justice Barbara J. Vigil  
Justice Petra Jimenez Maes  
Justice Richard C. Bosson  
Justice Edward L. Chávez  
Justice Charles W. Daniels

Chief Judges Council  
Chief Justice Barbara J. Vigil, New Mexico Supreme Court  
Hon. Michael E. Vigil, Court of Appeals  
Hon. Raymond Z. Ortiz, First Judicial District Court  
Hon. Nan G. Nash, Second Judicial District Court  
Hon. Fernando R. Macias, Third Judicial District Court  
Hon. Matt Sandoval, Fourth Judicial District Court  
Hon. William G. Shoobridge, Fifth Judicial District Court  
Hon. J.C. Robinson, Sixth Judicial District Court  
Hon. Matthew Reynolds, Seventh Judicial District Court  
Hon. Jeff F. McElroy, Eighth Judicial District Court  
Hon. Drew D. Tatum, Ninth Judicial District Court  
Hon. Albert J. Mitchell, Jr., Tenth Judicial District Court  
Hon. Karen Townsend, Eleventh Judicial District Court  
Hon. James Counts, Twelfth Judicial District Court  
Hon. Louis McDonald, Thirteenth Judicial District Court  
Hon. Henry A. Alaniz, Bernalillo County Metropolitan Court  
Hon. Shannon Bacon, District and Metropolitan Judges Association  
Hon. Karen P. Mitchell, Harding County Magistrate Court  
Hon. Duane Castleberry, Curry County Magistrate Court  
Hon. Alan Kirk, Los Alamos Municipal Court

Budget Committee  
Hon. Jerry H. Ritter, Chair, Twelfth Judicial District Court  
Hon. Michael Vigil, Court of Appeals  
Hon. Nan G. Nash, Second Judicial District Court  
Hon. Fernando R. Macias, Third Judicial District Court  
Hon. Matthew J. Sandoval, Fourth Judicial District Court  
Hon. Henry A. Alaniz, Bernalillo County Metropolitan Court  
Hon. Karen P. Mitchell, Harding County Magistrate Court  
Hon. Duane Castleberry, Curry County Magistrate Court  
Weldon J. Neff, Eleventh Judicial District Court Executive Officer  
Sherry Weingarten, Torrance County Magistrate Court Manager

Administrative Office of the Courts  
Arthur W. Pepin, Director

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**BUDGET COMMITTEE HARD AT WORK**

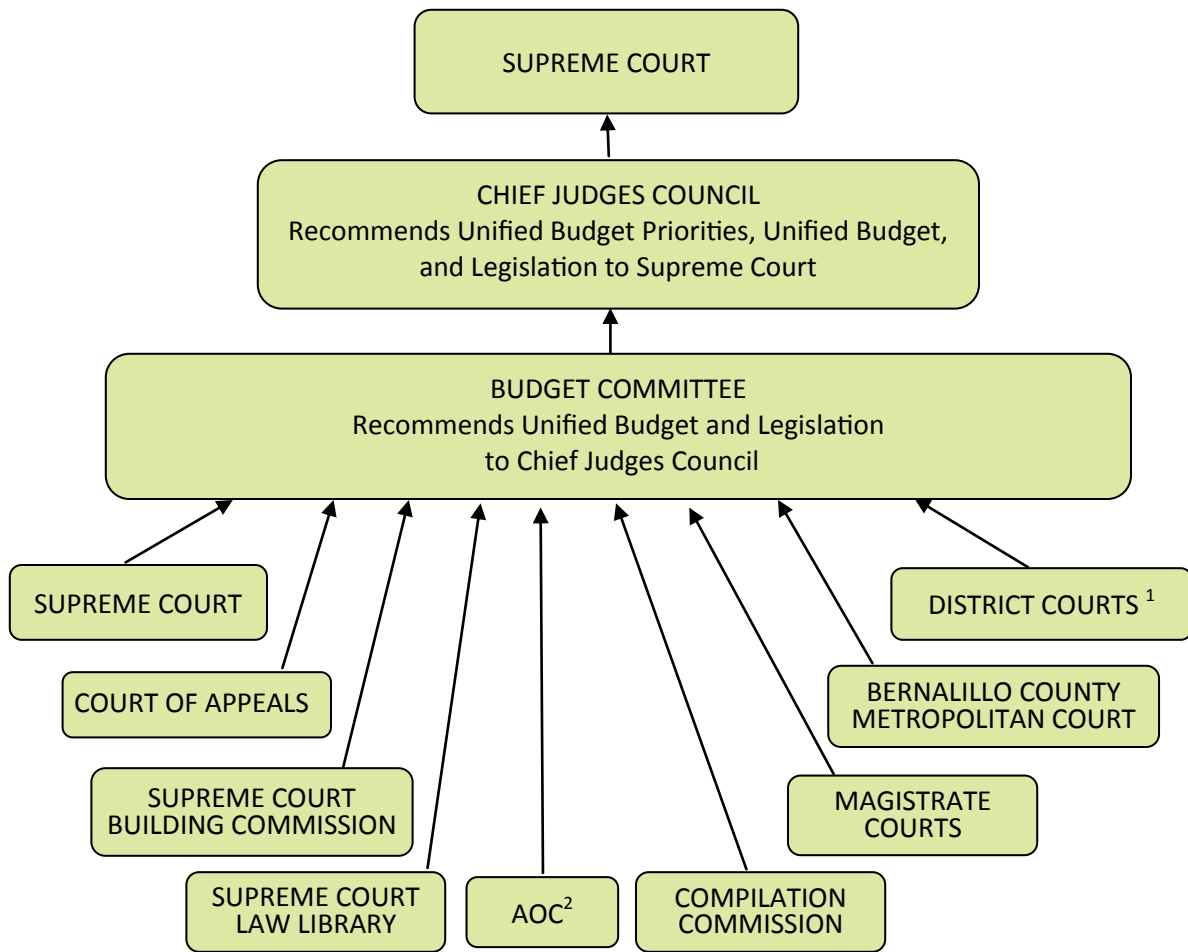
**Top:** AOC Director Artie Pepin assisting Budget Committee Chair Judge Ritter.

**Bottom left:** Budget Committee members Chief Judge Nan Nash, Chief Judge Henry Alaniz, Chief Judge Matt Sandoval, Chief Judge Michael Vigil, and AOC Fiscal Division Director Oscar Arevalo.

**Bottom right:** Judge Duane Castleberry, Judge Karen Mitchell and Sherry Weingarten.



## UNIFIED BUDGET PROCESS



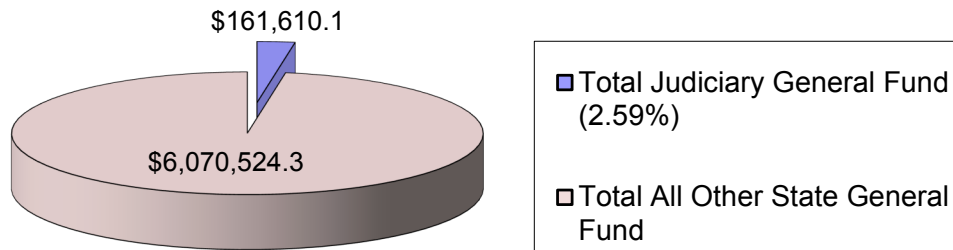
1. Each District Court submits an individual budget request. The judicial districts are:

1st	2nd	3rd	4th	5th	6th	7th
Rio Arriba Santa Fe Los Alamos	Bernalillo	Doña Ana	Mora San Miguel Guadalupe	Lea Eddy Chaves	Grant Luna Hidalgo	Catron Sierra Socorro Torrance
8th	9th	10th	11th	12th	13th	
Taos Colfax Union	Curry Roosevelt	Harding Quay De Baca	San Juan McKinley	Lincoln Otero	Cibola Sandoval Valencia	

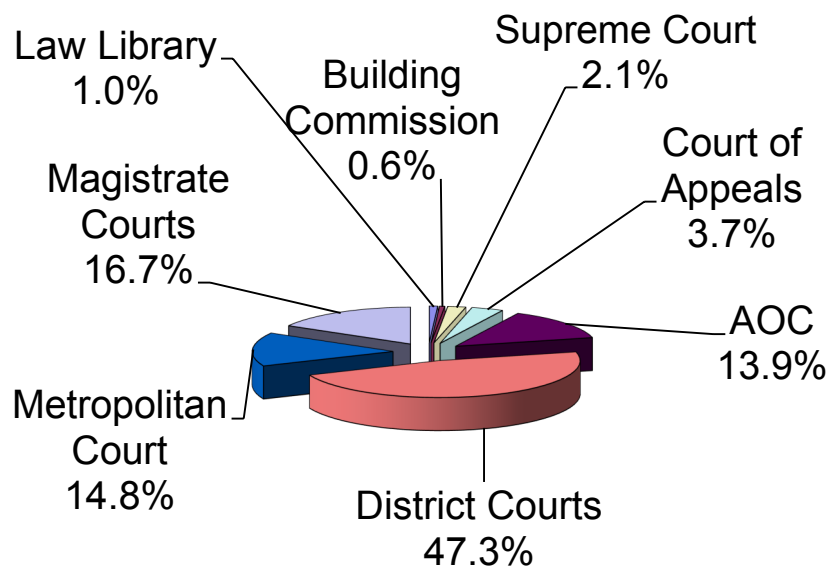
2. Administrative Office of the Courts submits budgets for Magistrate Courts, Administrative Services, Court Services, and the Judicial Information Division.

## JUDICIARY SHARE OF 2016 GENERAL FUND APPROPRIATIONS

### FY 2016 General Fund Appropriation Distribution of \$6,232,134.4 (in thousands)



### FY 2016 OpBud General Fund Appropriation Distribution Percentages



## UNIFIED BUDGET PRIORITIES FY 2017

### FY 2017 Budget Summary

Total FY17 Requested Increase \$14,459,700

The FY17 request represents an 8.9% increase over the FY16 general fund appropriation to the Judiciary. The net increase after loss of other state funds is 6.9%.

### Priority 1: Workforce Investment Plan: \$6,084,600

#### *A Sustainable Compensation Initiative*

Court Clerk Job Measurement	\$2,621,690
Career Progression for Employees	\$2,049,757
Compensation Increases for Judges' At-Will Staff	\$ 183,703
Adjustments for Salary inequities and Compression	\$1,230,991
<b>Total</b>	<b>\$6,084,600</b>

### Priority 2: Base Budget Increases (including GSD/health premium increases and expansion requests): \$6,942,800

ENTITY	TOTAL INCREASE	PERCENTAGE INCREASE
Statewide Entities	\$ 488,300	4.1%
District Court	\$2,304,600	3.0%
Metropolitan Court	\$ 305,600	1.3%
Magistrate Courts	\$1,856,500	6.9%
AOC (excluding Magistrate Courts)	\$1,987,800	8.9%
• Statewide Information Technology:	\$673,100	19.3%
• Court Services Division	\$529,900	5.2%
• Administrative Services	\$784,800	8.9%

### Priority 3: Increase Judicial Compensation 5%: \$1,432,300

A 5% increase consistent with the recommendation of the Judicial Compensation Commission.

## PRIORITY 1: WORKFORCE INVESTMENT PLAN: \$6,084,600

### *A Sustainable Compensation Initiative*

*Designed to attract and retain a highly qualified and motivated workforce by investing in a long-term and uniform compensation initiative.*

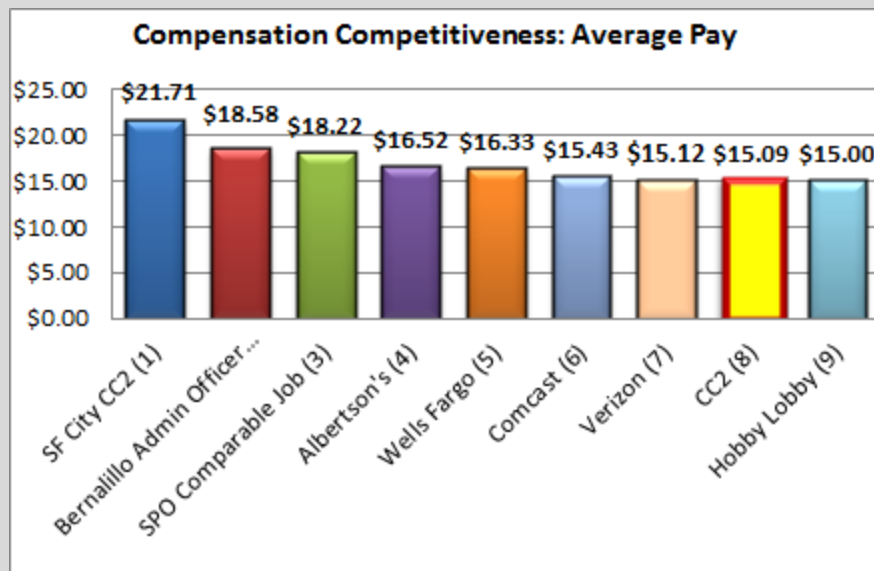
#### JUSTIFICATION

The current salary levels and existing compensation structure are adversely impacting the Judiciary's ability to attract and retain qualified employees. This is particularly evident in our court clerk job series.

- 50% of the Judiciary's workforce holds a clerk related job.
- The turnover in the Court Clerk 2 job classification alone has averaged 50% over the past three years and averages 32% per year for the district courts and 35% for magistrate courts over a nine-year period.
- Increasing numbers of these employees are leaving prior to completing their probation period. In 2014 less than 50% of recruits successfully completed probation.
- The Executive State Personnel Office (SPO) estimates the cost of employee turnover at \$42,620 per employee.

An investment in compensation increases as well as changes to our career progression plan are necessary to address these issues. These increases will stimulate local economies at an estimated rate of between 1.64 and 2.5 times the investment.

#### Court Clerk Job Measurement: Salary Comparisons



- 1) City of Santa Fe: Court Clerk II
- 2) County of Bernalillo: Administrative Officer 1
- 3) SPO Comparable Job: Business Operations Specialist
- 4) Albertson's Meat Cutter: NM Average Hourly
- 5) Wells Fargo Personal Banker: National Average Hourly

- 6) Comcast: Customer Account Executive
- 7) Verizon Customer Service Rep: NM Average Salary
- 8) NM Judicial Branch: Court Clerk 2
- 9) Hobby Lobby 1-4 year Clerk: Average Hourly Salary



### **Court Clerk Job Measurement: \$2,621,690**

With the implementation of the Odyssey case management system court clerk's job duties have changed from data entry to data management requiring greater skills, higher compensation, and thus movement to a higher pay range.

- The current average hourly wage of employees in this job series is \$15.89; at this hourly rate, a family of three would qualify for indigency services.
- The average hourly wage after movement to the next pay range is \$17.523.
- 92% of the employees affected by this pay range movement are women.
- The turnover rate for the largest clerk job classification, Court Clerk 2, is 32% statewide.
- As of October 26, 2015, despite aggressive recruiting, low salaries for clerks resulted in only 86% of CC2 vacancies being filled statewide during FY 2016; and only 53% of CC2 vacancies in magistrate courts have been filled.
- Low salaries have restricted the number of qualified applicants. As of October 26, 2015, 53% of those hired as a CC2 in magistrate courts in the last year have not remain employed through their one-year probation period.

### **Career Progression for Employees: \$2,049,757**

A career progression plan for employees rewards successful performance over time in the same job classification, reduces the cost associated with employee turnover due to wage stagnation, and provides a stable return on the Judiciary's investment in recruitment and training. The following new minimum target pay ranges take employees to 100% of their target pay range within 10 years.

0-3 years 80% target pay range

3-6 years 90% target pay range

6-10 years 95% target pay range

>10 years 100% target pay range

The funding request for FY17 will move all current employees who qualify to the appropriate minimum pay range. After FY17, the Judiciary will ensure career progression by requiring that courts prioritize funding for all qualifying employees in the courts' annual budget requests.

### **Compensation Increase for Judges At-Will Staff: \$183,703**

Judges' at-will staff includes trial court administrators, appellate paralegals, certified court monitors, certified court reporters, bailiffs and security bailiffs. All employees within each of these job positions are paid at the same rate, regardless of experience. A modest 2% increase in the pay range for these employees will mitigate wage stagnation and reduce salary compaction.

### **Adjustments for Salary Inequities and Compression: \$1,229,448**

This minimum 3% increase in compensation will apply to those employees who are unaffected by court clerk job measurement, career progression, and increases for judges' at-will staff. Without this increase, their pay will be compacted with that of other employees and wage gaps resulting from superior performance will narrow. This increase is designed to achieve equitable compensation levels.

**PRIORITY 2: MODEST BASE BUDGET: \$6,942,800**

*The Judiciary manages its resources in a fiscally conservative manner.*

Individual budget requests were carefully developed, reviewed and analyzed as a part of the unified budget process. This resulted in requests for modest base budget increases for FY17. These increases are necessary to support existing operations and essential services.

Total GF requests including base budget, GSD/insurance premiums and expansions, excluding requested compensation increases:

• Statewide Units (Supreme Court, Supreme Court Building Commission, Court of Appeals, Compilation Commission, Supreme Court Law Library)	\$ 488,300
• District Courts	\$2,304,600
• Bernalillo County Metropolitan Court	\$ 305,600
• Magistrate Courts	\$1,856,500
• Administrative Office of the Courts	<u>\$1,987,800</u>
<b>Total Base increases (excluding requested compensation increases)</b>	<b>\$6,942,800</b>

Excluding employee and judicial salary increases and increases to GSD/insurance premiums, **district and metropolitan courts** base budget increases are 2.6% above FY 2016 GF appropriations.

- Base increase Fifth Judicial District adds one new judge and FTEs (\$356,400) for the Criminal Division in Eddy County
  - \* Workload shows need for 2.5 additional judges
  - \* 124 jury trials past 12 months
  - \* Case filings and population increases in past 12 months
- Employee expansions:
  - \* .25 surveillance officer in the Third Judicial District (\$12,000)
  - \* 1.0 bailiff in the Eighth Judicial District (\$41,100)
- Program continuation/expansion: Replace expiring New Mexico Attorney General grant funds to continue successful foreclosure mediation programs in the:
  - \* Second Judicial District (\$160,000)
  - \* Thirteenth Judicial District (\$216,000)

Excluding employee and judicial salary increases and increases to GSD/ insurance premiums, **magistrate court** base budget increases are 6.2% above FY 2016 GF appropriations.

- 42% (\$711,700) of the magistrate court request replaces a loss of other state funds (lost warrant enforcement revenue).

Excluding employee and judicial salary increases and increases to GSD/ insurance premiums, **AOC** total base budget increases are 7.2% above FY 2016 GF appropriations.

• Replace lost OSF funds	\$ 235,000
• Jury & Interpreters	\$ 631,600
• Court Appointed Attorney	\$ 307,700
• Automation	\$ 329,700
<b>Total to replace OSF, Jury &amp; Interpreters, CAAF and Automation</b>	<b>\$1,504,000</b>
• Remaining AOC base budget and expansions	\$ 483,800

### PRIORITY 3: JUDICIAL COMPENSATION INCREASE: \$1,432,300

*A 5% increase in judicial compensation as recommended by the Legislature's Judicial Compensation Commission.*

Low salaries, below average retirement benefits, and high retirement contribution rates resulting in a net decrease in take home pay have decreased the attractiveness of a judicial career.

**Salary:** New Mexico's Judiciary consistently ranks last or nearly last in national salary rankings.

- New Mexico Supreme Court Justices' salaries are ranked 48 out of 51
- New Mexico Court of Appeals judges are ranked last at 40 out of 40
- New Mexico District Court judges salaries rank 50 out of 51

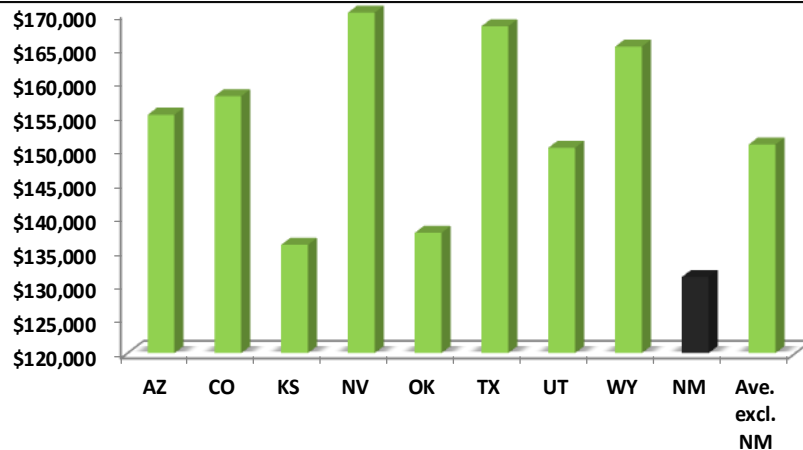
**Retirement:** New Mexico's judicial retirement benefits are, at best, in the low range of average.

- New Mexico's judges pay a higher percentage of salary in contributions to judicial retirement than judges in every mountain state except Wyoming.
- The State of New Mexico's contributions to judicial retirement are the lowest of any of the mountain states.
- Attorneys become judges mid-to late career (attorneys must be at least 35 to apply to be a metropolitan, district, appellate court judge or justice), limiting their ability to accrue years of service in a defined contribution plan.

**Impact:** Recent judicial appointments reveal:

- Fewer candidates with more than 15 years of practice;
- Fewer candidates with experience in civil and business cases; and
- A trend toward younger attorneys with backgrounds in criminal justice as government employees.

As long-serving judges with civil docket experience retire, there will be fewer judges with expertise to hear these cases.



**Supreme Court  
Justice Salaries as  
of July 1, 2015 in  
Western  
Comparison  
States  
Average \$154,928  
(excluding NM)**

## CRITICAL PERSONNEL ADDITIONS

Judicial Unit	No/GF Im- pact	Final FTE	Critical Personnel Additions	Cost
AOC Admin Support	NGFI	6.0	Language Access Coord. - Term to Perm	0.0
AOC Admin Support	NGFI	1.0	Admin Asst to assist LAS - Non-Auth Term to Perm	0.0
AOC Mag. Court Program	NGFI	1.0	Program Mgr for Magistrate Mediation - TERM	0.0
AOC Admin Support	NGFI	0.5	Fin Spec for Interpreter vouchering to full-term	0.0
AOC Mag. Court Program	NGFI	1.0	DWI Coord. - Term to Perm	0.0
AOC Special Court Srvcs	NGFI	1.0	DWI Coord. (DCAC funded) - Term to Perm	0.0
6th Judicial District Court	NGFI	1.0	Probation Officer 1 - Non-Auth Term to Perm	0.0
Metro Court	NGFI	1.0	Probation Officer 2 - Non-Auth Term	0.0
<b>Subtotal FTE NGFI</b>		<b>12.5</b>	<b>Subtotal No General Fund Costs</b>	<b>0.0</b>
AOC Statewide Auto Prog	GF	2.0	IT Specialists for Helpdesk	197.9
AOC Statewide Auto Prog	GF	1.0	IT Specialists Senior	108.3
1st Judicial District Court	GF	1.0	IT Specialist	116.8
3rd Judicial District Court	GF	0.25	Surveillance Officer (JDC)	12.0
8th Judicial District Court	GF	1.0	Bailiff DV division	41.1
<b>Subtotal FTE GF</b>		<b>5.25</b>	<b>Subtotal General Fund Cost for Personnel</b>	<b>476.1</b>
2nd Judicial District Court	GF	2.0	Mortgage Assistance Program	160.0
13th Judicial District Court	GF	2.0	Foreclosure Settlement (Term - Perm)	216.0
<b>Subtotal Prog Expr GF</b>		<b>4.0</b>	<b>Subtotal General Fund Cost for Programs</b>	<b>376.0</b>
5th Judicial District	GF	4.0	Judge, TCAA, Court Monitor, & CC II <b>(BASE)</b>	356.4
<b>Subtotal Judgeships</b>		<b>4.0</b>	<b>Subtotal General Fund Cost for Judgeship</b>	<b>356.4</b>
<b>Total</b>		<b>25.8</b>	<b>Total General Fund</b>	<b>1,208.5</b>

## FY 2017 SUMMARY: SPECIAL, SUPPLEMENTAL AND DEFICIENCY REQUESTS

Judicial Unit	General Fund	Purpose	Amount Requested
<b>Special Requests</b>			
AOC	GF	To address court priorities including funding for vehicles, furniture and equipment at courts statewide.	\$ 2,829,383
AOC	GF	For Shortfalls in the Judges Pro Tem Fund	\$ 25,000
<b>Total Special Request</b>			<b>\$ 2,854,383</b>
<b>Supplemental Requests</b>			
AOC	GF	For shortfalls in the Court Appointed Attorney fund	\$ 394,500
AOC	GF	Jury & Interpreter cost shortfall	\$ 571,800
AOC-Magistrate Courts	GF	For shortfalls in operations as a result of decreases in fee revenues	\$ 500,000
<b>Total Supplemental Request</b>			<b>\$ 1,466,300</b>
<b>Deficiency Requests</b>			
Court of Appeals	GF	Unpaid Prior Year UNM utility costs	4,403
AOC	GF	FY15 Prior Year Payments for Jurors and Interpreters	574,100
AOC	GF	Magistrate Courts - Unpaid Prior Year GSD Premiums	107,564
13th Judicial District	GF	SHARE implementation roll-forward (FY06 to FY07) budget balance error	50,000
<b>Total Deficiency Request</b>			<b>\$ 736,067</b>
<b>TOTAL SPECIAL, SUPPLEMENTAL AND DEFICIENCY REQUESTS</b>			<b>\$5,056,750</b>

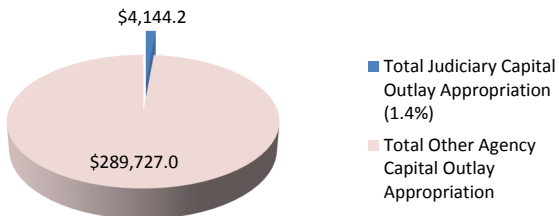
## FY 2017 JUDICIARY SPECIAL REQUESTS BY COURT ENTITY

Judicial Unit	Purpose	GF Amt Requested	CSEF Requested
<b>AOC</b>	Statewide Computer Refresh	\$452,000	
	Six (6) Vehicles (2 AOC, 3 SOM's and JID Van: mileage; age; condition)	\$150,000	
<b>AOC Subtotal</b>		<b>\$602,000</b>	
<b>Data Processing</b>	Odyssey Upgrades		\$326,000
<i>(CSEF-Computer System</i>	VNOC Court Upgrades		\$257,000
<i>Enhancement Funds)</i>	Rewrite for Reconciliation system		\$220,000
	ACS for Cash Remediation		\$100,000
<b>Data Processing Subtotal</b>			<b>\$903,000</b>
<b>Magistrate Courts</b>	Fixtures, Furnishings and Equipment	\$750,000	
<b>Court of Appeals</b>	Odyssey Equipment	\$38,000	
<b>S.C. Bldg Comm</b>	Building Landscape Study	\$20,000	
<b>Statewide &amp; Magistrate Court Subtotal</b>		<b>\$808,000</b>	
<b>DISTRICT COURTS</b>			
1st Judicial Dist	Electronic Docket Display System (\$90.0) and Vehicle (\$30.0)	\$120,000	
2nd Judicial Dist	Adjustable Workstations \$(10.8), Chairs (\$28.4), Workstations (\$2.4), Stenograph Machine (\$5.2) and Audio/Sound Equipment (\$65.0)	\$111,750	
3rd Judicial Dist	FTR Recording Equipment (\$60.0) and VoIP Phone System (\$120.0)	\$180,000	
4th Judicial Dist	Furniture (\$40.0), Microfilm Readers (\$19.8) and Video Conferencing System (\$91.9)	\$151,688	
8th Judicial Dist	Vehicle (\$35.0), Computers (\$15.0) and Microfilm viewer, scanners and printers (\$21.3)	\$71,345	
9th Judicial Dist	Computers (\$35.0) and Phone Server (\$8.0)	\$43,000	
11th Judicial Dist	Vehicles (\$54.0), Polycomm Units (\$50.0) and Furniture (\$45.0)	\$149,000	
12th Judicial Dist	Vehicles (\$50.0), Polycomm Units (\$58.0), Audio/Sound Equipment (\$42.0), Assistive Hearing Devices (\$4.8) and Office Workstations (\$37.8)	\$192,600	
13th Judicial Dist	Furniture, Equipment & Courtroom Technology	\$400,000	
<b>District Courts Subtotal</b>		<b>\$1,419,383</b>	
	<b>TOTAL JUDICIARY</b>	<b>\$2,829,383</b>	<b>\$903,000</b>

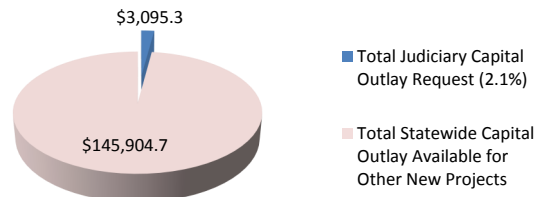
## FY 2017 JUDICIARY CAPITAL OUTLAY REQUESTS

Judicial Unit	Security/Critical Infrastructure Needs	Amount Requested
Magistrate Courts	Security Equipment & High Density File Systems	\$ 950,000
2 <sup>nd</sup> Judicial District	Video cameras in public and inmate transport elevators (Security)	\$ 55,000
4 <sup>th</sup> Judicial District	Electrical suppression system for Las Vegas Courthouse (Security)	\$ 40,000
4 <sup>th</sup> Judicial District	Duress alarm system; public view monitor; card reader system for Santa Rosa Courthouse (Security)	\$ 44,816
4 <sup>th</sup> Judicial District	X-ray scanner for Las Vegas Courthouse (Security)	\$ 19,600
4 <sup>th</sup> Judicial District	Push-button door release & card reader (Security)	\$ 26,000
9 <sup>th</sup> Judicial District	Basic modifications to jury courtrooms	\$ 25,000
13 <sup>th</sup> Judicial District	Update courtroom technology infrastructure	\$ 200,000
Bern. Co. Metro Court	Digital security surveillance system	\$ 119,100
	<b>Subtotal</b>	<b>\$ 1,479,516</b>
Judicial Unit	Critical Facility Expansion	Amount Requested
Bern. Co. Metro Court	Plan, design and construct one new courtroom, judge's chambers and a jury room; this additional jury trial space will also be of assistance to the 2nd Judicial District.	\$ 1,615,758
	<b>TOTAL CAPITAL OUTLAY REQUEST</b>	<b>\$ 3,095,274</b>

**FY 2016 Judiciary Capital Outlay Appropriation of \$293,871.2 (in thousands)**



**FY 2017 Judiciary Capital Outlay Request as a percentage of the estimated \$149,000.0 for new projects (in thousands)**



## LEGISLATION FOR 2016 LEGISLATIVE SESSION

### PROPOSED AMENDMENT TO ARTICLE 2, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO

Under New Mexico's Constitution, judges have no lawful authority to deny release to a defendant known to be a danger to the community or a substantial flight risk. As a result, dangerous defendants who are able to post bond are released while defendants who are neither a danger to the community or a substantial flight risk remain in jail because they are unable to post bond.

The proposed constitutional amendment would:

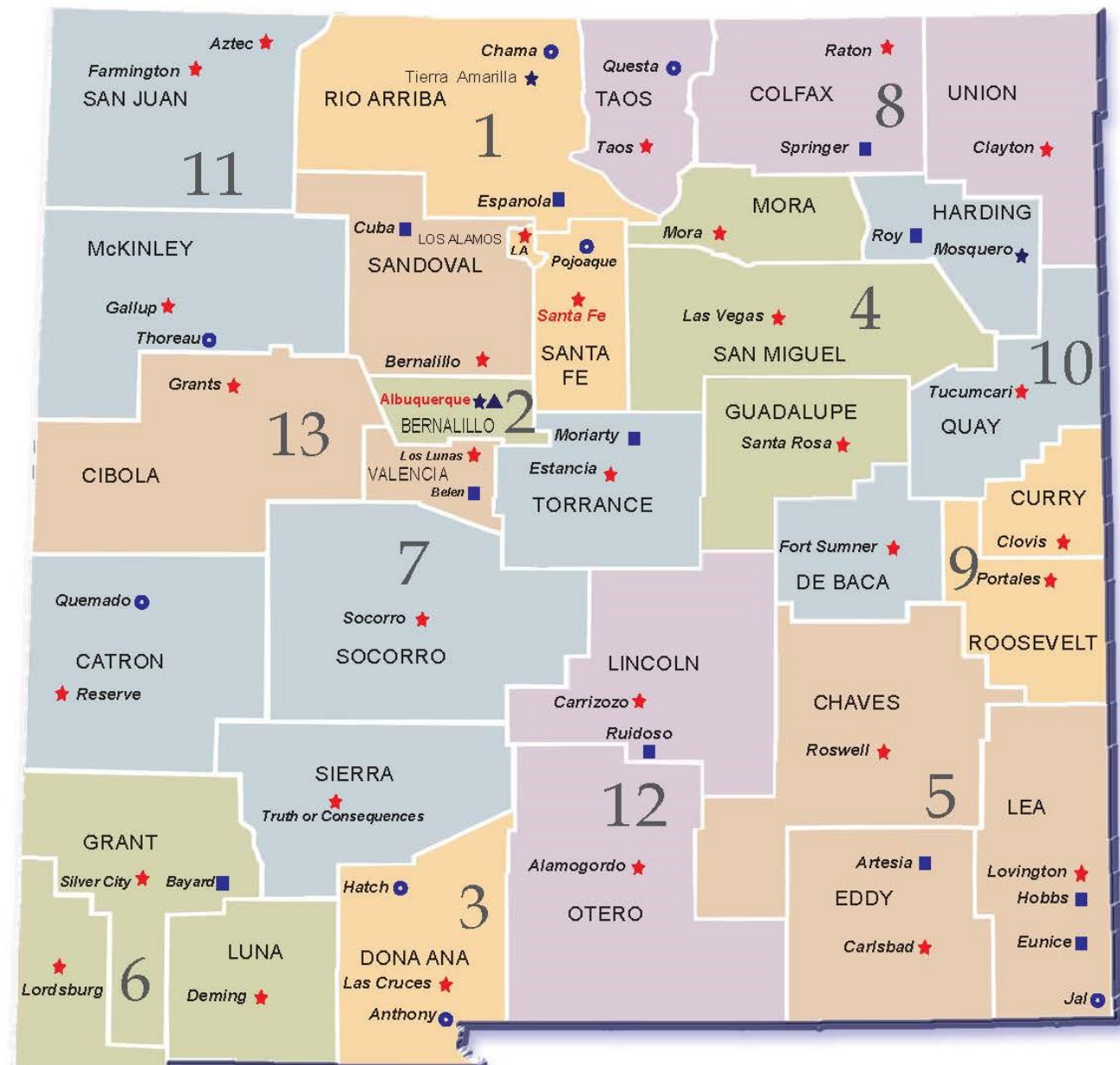
- Give judges the lawful authority to deny bail and detain dangerous defendants pending trial if, *"after a hearing, the court finds by clear and convincing evidence that no release conditions will reasonably ensure the appearance of the person as required or protect the safety of any other person or the community"* and,
- Ensure that no person eligible for pretrial release is *"detained solely because of financial inability to post a money or property bond."*

### STATUTORY CHANGES

Judgeship in the Fifth Judicial District Court	Add one judge and staff to the Fifth Judicial District Court. Funding (\$356,400) is in the court's base budget request.
Separate Jury Fund from (new) Language Access Fund	Create a "Language Access Fund" authorizing funding for activities relating to language access in the courts (e.g., pay interpreters, provide training, operate the NMCLA on revenues, pay AOC language access staff, etc.) and fund those activities separately from the existing Jury and Witness Fund.
Judge Pro Tempore Funds Non-Reverting	Reduce or eliminate the need for supplemental or emergency funding for the pro tem fund. This fund pays for appointments authorized by the N.M. Constitution, Art. VI, Sec. 15 and the request for FY17 is a modest (\$30,900).



# NEW MEXICO STATE COURTS



**1<sup>st</sup> Judicial District Court**  
Santa Fe, Rio Arriba & Los Alamos  
**2<sup>nd</sup> Judicial District Court**  
Bernalillo  
**3<sup>rd</sup> Judicial District Court**  
Doña Ana  
**4<sup>th</sup> Judicial District Court**  
San Miguel, Mora & Guadalupe  
**5<sup>th</sup> Judicial District Court**  
Chaves, Eddy & Lea  
**6<sup>th</sup> Judicial District Court**  
Grant, Hidalgo & Luna  
**7<sup>th</sup> Judicial District Court**  
Torrance, Socorro, Catron & Sierra

**8<sup>th</sup> Judicial District Court**  
Taos, Colfax & Union  
**9<sup>th</sup> Judicial District Court**  
Curry & Roosevelt  
**10<sup>th</sup> Judicial District Court**  
Harding, De Baca & Quay  
**11<sup>th</sup> Judicial District Court**  
San Juan & McKinley  
**12<sup>th</sup> Judicial District Court**  
Otero & Lincoln  
**13<sup>th</sup> Judicial District Court**  
Cibola, Sandoval & Valencia  
**Bernalillo County Metropolitan Court**  
Albuquerque

**Supreme Court**  
Santa Fe  
**Court Of Appeals**  
Santa Fe & Albuquerque

- ★ District & Magistrate Courts
- ★ District Courts
- ▲ Metropolitan Court
- Magistrate Full Courts
- Magistrate Circuit Courts

09/16/13-clr





Supreme Court of New Mexico  
Administrative Office of the Courts  
237 Don Gaspar  
Santa Fe, New Mexico 87501  
505-827-4800